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4 Attorneys for
5 UNIFUND CCR PARTNERS; UNIFUND PORTFOLIO A, LLC; MATTHEW W.
QUALL; AND LANG, RICHERT & PATCH, a Professional Corporation
6

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9

10 JAGDEEP S BIDWAL,

11 PLAINTIFF,

12 v.

13 UNIFUND CCR PARTNERS; UNIFUND
PORTFOLIO A, LLC; MATTHEW W.
14 QUALL; LANG, RICHERT & PATCH, a
Professional Corporation; ELECTRONIC
15 DOCUMENT PROCESSING, INC.; J.
ASCORRA; J. WILLIAMS

16 DEFENDANTS.
17

Case No.: 3:17-CV-02699-LB

**DECLARATION OF MARK E. ELLIS
IN OPPOSITION TO MOTION FOR
AWARD OF ATTORNEYS' FEES
AND COSTS**

Date: March 7, 2019
Time: 9:30 a.m.
Courtroom C

Honorable Laurel Beeler

18
19 I, Mark E. Ellis, declare as follows:

20 1. I am an attorney duly licensed to practice in this District Court and before
21 all courts of the State of California. I am the founding and managing partner of the Ellis
22 Law Group, LLP. I make this declaration in support of Defendants' Opposition to
23 Plaintiff's Motion For Attorneys' Fees. I have personal knowledge of the facts set forth
24 below, and if called as a witness, I could and would testify competently thereto.

25 2. I graduated from the California Western School of Law in 1985 *cum laude*,
26 and I was admitted to the State Bar of California in 1986. My website *curriculum vitae* is
27 attached hereto as **Exhibit A**. I have been practicing law in California for the past thirty-
28 two (32) years. I practice regularly and extensively in the defense of financial institutions

1 and professionals, including collection agencies, credit grantors, and debt collection law
2 firms, in complex litigation matters involving class actions under Federal Rule of Civil
3 Procedure 23 and under California's Unfair Competition Law, Business and Professions
4 Code, Section 17200. A significant part of my practice includes defense of consumer
5 litigation in state and federal courts arising under the federal Fair Debt Collection
6 Practices Act (FDCPA), the Fair Credit Reporting Act (FCRA), and the Telephone
7 Consumer Protection Act (TCPA), as well as their state equivalents. I have defended
8 hundreds of these cases filed in the courts in California, including this Court, as well as in
9 other jurisdictions across the country, representing debt collectors who have been sued for
10 allegedly violating consumer protection laws. I am certified as a specialist by the
11 California State Bar in the area of legal malpractice/ethics. I was a judicial law clerk for
12 the Honorable Ray Munson from 1985 to 1987 at Division III of the Washington State
13 Court of Appeals.

14 3. I regularly lecture at collection industry conferences and I publish articles on
15 the area of collection law, including on compliance with federal and state laws and
16 regulations that address debt collection and credit reporting. I have been selected by the
17 national trade organization, American Collectors Association (ACA), to defend debt
18 collectors regarding collection activity in California and compliance with state and federal
19 laws. The year 2018 marked the fifteenth year that I have been selected by Super Lawyers
20 as one of the top 5 percent of lawyers practicing in Northern California. I have been listed
21 as one of the *Best Lawyers in America* for several years, and my firm has been ranked for
22 eight consecutive years as a "top tier" law firm in Northern California by *U.S. News &*
23 *World Report*.

24 4. I regularly handle cases asserting claims under the FDCPA and under the
25 California Rosenthal Fair Debt Collection Practices Act filed in the Northern District
26 Court of California. I bill my clients no more than \$275.00 per hour for my time in
27 FDCPA matters. I believe this is a reasonable rate for attorneys with my level of
28 experience to charge to handle FDCPA matters in the Northern District of California.

1 5. I have reviewed the pleadings in this case filed by counsel for plaintiff, as
2 well as having reviewed the procedural history of the case. My review shows that the
3 services provided and the legal issues addressed in this case were neither substantively
4 nor procedurally complex. This was a basic, non-complex, run-of-the-mill FDCPA case.
5 While some FDCPA cases are quite complex and linger on for long periods of time, this
6 was not one of those cases. Based on my experience and personal knowledge, I believe
7 that most, if not all, of my clients would be unwilling to pay more than \$275.00 to 325.00
8 per hour for my legal services in an FDCPA case of this complexity.

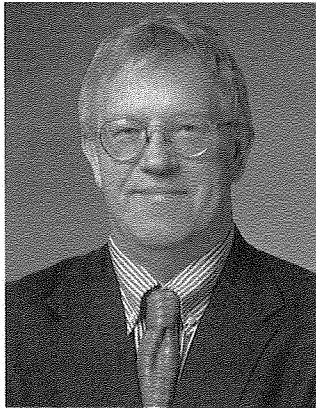
9 6. I believe the hourly rates of \$600.00 to \$725.00 sought by counsel for
10 plaintiff are wildly excessive for this case and the services provided. Based upon my
11 personal experience, the hourly rates sought are clearly not within the reasonable range of
12 market rates charged by private plaintiffs' attorneys of similar skill, reputation, and
13 experience for comparable legal services in the Northern District of California. In my
14 opinion, the reasonable hourly market rate based on the experience of counsel for plaintiff
15 and the legal services provided would be no more than \$400.00 to 500.00 per hour. A
16 multiplier is clearly not warranted given the short length of time this case was pending,
17 the reasonable rates of compensation and the results obtained.

18 I declare under penalty of perjury that the foregoing is true and correct. Executed
19 this 11th day of February, 2019, at Sacramento, California.

20
21 
22 MARK E. ELLIS

EXHIBIT A

ELLIS LAW GROUP LLP



Mark E. Ellis
Managing Partner

Contact Information

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mellis@ellislawgrp.com

Education

B.A. College of William
& Mary, 1982

J.D. California Western
School of Law, 1985
Cum Laude

Practice Areas

Litigation In Matters Of:

- Trial Advocacy
- Appellate Advocacy
- Legal Malpractice
- Professional Liability
- Class Actions
- Commercial Law
- Business Law
- FDCPA Defense
- FCRA Defense
- TCPA Defense
- Serious Personal Injury
- Insurance Coverage
- Sexual Harassment & Discrimination

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Mark E. Ellis

Practice Focus

Founding and managing partner Mark E. Ellis is a trial lawyer whose practice embraces civil litigation in both state and federal courts. He has tried more than 90 cases to verdict, judgment or binding arbitration award. Many of Mr. Ellis' trials have lasted several weeks. Several trials have lasted months.

Mr. Ellis believes there is an important distinction between a "trial attorney" and a so-called "litigator." For discerning clients who understand the distinction, this makes all the difference.

Mr. Ellis defends professionals sued for malpractice, malicious prosecution, ethics violations, and other professional wrongdoing. Certified as a specialist in legal malpractice law by the California Board of Legal Specialization of the State Bar of California, Mr. Ellis has defended hundreds of such cases. Mr. Ellis has represented lawyers and/or law firms in more than 40 trials and/or arbitrations, winning virtually every case that reached a final decision.

Mr. Ellis handles financial institution, business and commercial litigation, including complex litigation involving class actions under **Federal Rule of Civil Procedure 23** and under California's Unfair Competition Law, **Business and Professions Code, Section 17200**. His practice includes commercial and consumer litigation in state and federal courts related to the federal **Fair Debt Collection Practices Act (FDCPA)**, the **Fair Credit Reporting Act (FCRA)**, and the **Telephone Consumer Protection Act (TCPA)**, as well as their state equivalents. Mr. Ellis and other firm attorneys have successfully tried several of these cases over the last few years.

2018 marked the fifteenth year that Mr. Ellis has been selected by Super Lawyers as one of the top 5 percent of lawyers practicing in Northern California. He is featured as one of the nation's top litigators in the *Super Lawyers Business Edition*.

Mark E. Ellis

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Mr. Ellis is listed under the specialty of Legal Malpractice Defense in the 2018 edition of *Best Lawyers in America*. This is the tenth consecutive that he has been so honored by Best Lawyers. His law firm, Ellis Law Group, LLP, has been ranked for eight consecutive years—2012-2019—as a “top tier” in Northern California by *U.S. News & World Report*.

Mr. Ellis' practice includes the regular representation of clients before the appellate courts. A former appellate law clerk, Mr. Ellis has successfully handled scores of appeals before state and federal appellate courts. In February 2006, he was one of the winning attorneys in *Rusheen v. Cohen* (2006) 37 Cal.4th 1048, a decision by the California Supreme Court. In 2009, Mr. Ellis participated in drafting and filing an Amicus Curiae brief in the United States Supreme Court on behalf of the California Association of Collectors (CAC) in the case of *Jerman v. Carlisle*. He was also one of the victorious defense attorneys in the important Ninth Circuit decision *Van Patten v. Vertical Fitness Group, LLC* (2017) 847 F.3d 1037, a class action arising from the federal Telephone Consumer Protection Act (TCPA).

Mr. Ellis has participated in dozens of jury trials, bench trials, and/or arbitrations. He has won over 90 percent of those trials or arbitrations that reached decision.

Mr. Ellis is licensed to practice in the State of California, in the State of Washington, before the United States Supreme Court, before the Ninth Circuit Court of Appeals, and before all the Federal District Courts of California as well as numerous other federal district courts throughout the country.

Education

Mr. Ellis earned his Bachelor's degree in Government from the College of William & Mary in 1982. He received his J.D. from California Western School of Law in 1985, graduating cum laude. In law school, Mr. Ellis also:

- Received the Diane Gafford Ethics Award upon graduation (1985)
- Received the Lloyd Griffin Ellis Scholarship (1984, 1985)
- Served on the Law Journal as a published member of the staff (1983-1984) and then as Head Lead Articles Editor (1984-1985)
- Served as a Legal Writing Honor's Instructor (1983-1984)

Professional Affiliations

Mr. Ellis is a member, past member or inactive member of the Sacramento, San Francisco, California, Washington State and American Bar Associations, the Association of Professional Responsibility Lawyers (APRL), the Federal Bar Association, the Defense Research Institute, the Association of Defense Counsel for Northern California, the Professional Liability-Underwriter's Society (PLUS) and the Member Attorneys Program ("MAP") of the American Collectors Association. Mr. Ellis served as the California MAP Chairman (2001-2002) for the American Collectors Association. He acts as a judge Pro Tem in the settlement department of the Sacramento Superior Court.

Mark E. Ellis

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Work History

- Judicial Clerkship (1985-1987): Washington State Court of Appeals, Division III, to the Hon. Ray E. Munson
- Associate, Partner, Shareholder (1987-2006): Murphy, Pearson, Bradley & Feeney
- Managing Partner (2006-Present): Ellis Law Group LLP

Representative Trials & Cases

- ***National Grange v. California Guild*** (August-September 2018) **Defense of Contempt of Court.** Finding for defense of no contempt in favor of client following trial.
- ***Kizer v. RC*** (August 2018) **Wage and Hour.** Determination in favor of client employer on six-figure wage and hour claim following trial before Labor Commissioner.
- ***Demilec v. Clark*** (April 2018) **Fraud.** Judgment in favor of plaintiff client for approximately \$400,000.
- ***Indian Village v. CARS*** (February-March 2018) **Quiet Title/Slander of Title.** Judgment in favor of defendant client following trial in adversary proceeding in federal bankruptcy court.
- ***Mencarini v. W.*** (October 2017) **Malicious Prosecution.** Seven-figure settlement for plaintiff-clients following mediation.
- ***Prolo v. C.*** (October 2016) **Legal Malpractice / Breach of Fiduciary Duty / Breach of Contract.** Settlement for plaintiff-clients following mediation.
- ***Palmbaum v. F.*** (January 2017) **Legal Malpractice/Breach of Fiduciary Duty.** Client-plaintiff awarded over \$550,000 from attorney/law firm after 5-day binding arbitration.
- ***Latham v. EC*** (August 2016) **Personal Injury.** Settlement for client-plaintiff for almost \$1,000,000 following mediation.
- ***Obrien v. Gjelstein*** (October 2016) **Breach of Contract.** Judgment in favor of client-plaintiff for breach of contract following trial.
- ***Wells Fargo Bank v. Weiner*** (June 2015) **Breach of Guaranty Contract.** Verdict in favor of client Wells Fargo Bank mandating loan guarantors pay \$101,654.33 debt, interest, attorney's fees and costs.
- ***Patterson v. Abundance Vineyards, LLC*** (January-March 2015) **Sexual Harassment Defense / Discrimination / IIED Defense.** Defense verdicts for client defendants on

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claims brought by three former employees; plaintiff's verdict in favor of fourth plaintiff, but only for a fraction of damages requested.

- ***SFC v. M.*** (December 2014) **Legal Malpractice / Breach of Fiduciary Duty Defense.** Settlement on behalf of attorney-defendant client. All claims against client attorney dismissed for waiver of costs and client attorney paid \$250,000 on fee cross complaint.
- ***Kahn v. Schoenig*** (December 2014) **Quiet Title / Breach of Contract / Tort Defense.** Mixed decision, including favorable ruling for client defendant as to the enforceability of a well and water rights agreement.
- ***Nunley v. B.*** (September-November 2014) **Legal Malpractice Defense.** Favorable nonsuit motion during trial eliminated half of the plaintiff's claims, eliminated one of two plaintiffs and led to the dismissal of a major defendant. Verdict for remaining plaintiff was for a small fraction of the pre-trial demand, and even this was reduced by post-trial motions.
- ***Trans Sierra Investments v. Merrikkh*** (June 2014) **Business Class Action.** Settled certified class action arising from claims landlord overcharged business tenants for rent.
- ***Garner v. McElroy et al*** (July 2013) **Commercial Law.** Determination of fraud against adverse parties in favor of clients after 3 day binding arbitration.
- ***WFB v. Sethi*** (May 2013) **Bankruptcy.** Determination of non-dischargeability of secured debt in favor of client Bank after adversary trial.
- ***HBC v. ABR*** (March/April 2013) **Commercial Law.** Mixed ruling partially in favor of and partially against clients after 7 day binding arbitration
- ***Tipton v. Hollander*** (May 2012) **Plaintiffs Dental Malpractice.** Defense verdict after month-long trial.
- ***Hampton v. Wong*** (February 2012) **Plaintiff Dental Malpractice.** Defense verdict after two-week trial.
- ***Castenada v. M.*** (January 2012) **Legal Malpractice Defense.** 12-0 jury verdict for attorney client after 4-week trial. Plaintiff had sought more than \$2,000,000 in damages.
- ***Zamora v. Janet Napolitano, Secretary of the Department of Homeland Security, et. al*** (July 2011) **Discrimination.** Settlement of claims on behalf of plaintiff/client in the amount of \$500,000, which, we were informed, is one of the largest settlements ever paid out by the Transportation Security Agency (TSA), an agency of the U.S. Department of Homeland Security.
- ***Carmichael Trust v. AMF*** (February 2011) **Foreclosure.** Judicial foreclosure trial resulting in favorable decision and foreclosure for client.

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- ***Sacramento City Unified School District v. G&V*** (October 2010) **Legal Malpractice Defense.** 12-0 jury verdict for defendant attorney clients after 9-week jury trial. Plaintiff had sought \$4.2 million in damages.
- ***4920 Corp. v. SVLG*** (June 2010) **Plaintiff Legal Malpractice.** Confidential settlement reached on 2nd day of trial in favor of client plaintiff.
- ***Henley v. Zang*** (May 2010) **Plaintiff Medical Malpractice.** Defense verdict after 3 week jury trial.
- ***Guiterrez v. NCA*** (February 2010) **FDCPA Defense.** Case settled on first day of trial after motions *in limine* gutted plaintiff's claims and damages. Pre-trial demand in excess of \$1,000,000 settled for less than cost of defense for defendant clients.
- ***Carmical v. Nationwide*** (February 2010) **Personal Injury.** Award for plaintiff client in excess of \$650,000 after U.M. arbitration.
- ***Howard v. Great Expectations*** (September 2009) **Commercial Law Defense** Participated in the Phase 2 trial of the consolidated class action representing defendant Great Expectations franchises throughout California. Favorable ruling.
- ***Hall v. Captain's Table, LLC*** (July 2009) **Plaintiff Commercial Law.** Five-day bench trial concerning breach of contract (finder's fee). \$160,000 judgment in favor of plaintiff client.
- ***Howard v. Great Expectations*** (January 2009) **Commercial Law Defense.** Represented defendant dating service franchises in Phase 1 trial. Favorable ruling.
- ***Rouse v. Law Offices of R.C*** (August 2008) **FDCPA/Attorney Defense.** Defense verdict for law firm, its staff and its client after a unanimous jury verdict in the United States District Court for the Southern District of California. The plaintiff's pre-verdict demand exceeded \$400,000.
- ***Scheel v. Henderson*** (July 2008) **Real Property Defense.** Bench trial concerning ownership of, and right to use, real property. Ownership of property quieted in favor of client. Favorable final decision entered for clients.
- ***Olsen v. Harbison*** (April 2008) **Attorney Defense/Quantum Meruit/Fees/Alleged Wrongdoing by Attorney.** Nonsuit granted in favor of client lawyer in pretrial motions on 4th day of trial.
- ***Sutton v. A.H.W.*** (January 2008) **Legal Malpractice Defense.** Multi-million dollar claims against attorney clients settled on third day of trial for substantially less than cost of defense after motions in limine threatened to gut plaintiff's claims.
- ***Bloom v. H.B.C.W.*** (September/October 2007) **Legal Malpractice Defense.** Defense verdict for client law firm after a five-week jury trial. Verdict entered for client law firm on

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fee cross claim for full amount of the claim; total awards in favor of client law firm in damages, fees and costs exceeded \$400,000.

- ***Russ v. M.H.A.*** (March 2007) **Legal Malpractice Defense.** Verdict against client for small percentage of damages requested. Nonsuit and post trial motions eliminated most of plaintiff's damages against client law firm; case resolved for confidential settlement while on appeal.
- ***Challas v. Goetz*** (July 2007) **Bankruptcy Defense.** Favorable decision for client after a bench trial in United States Bankruptcy Court for the Northern District of California (San Jose).
- ***State Bar v. J.B.*** (May-August 2007) **Involuntary Enrollment Proceeding.** Determination in favor of client attorney denying the State Bar's demand for involuntary enrollment after 5 day trial.
- ***McKee v. E. & A.*** (December 2006) **Attorney/Fair Debt Collection Practice Act (FDCPA) Defense.** Defense verdict obtained for client law firm sued for allegedly violating the FDCPA after 6 day jury trial in Federal District Court for the Central District of California.
- ***Kubat v. H.*** (May 2006) **Legal Malpractice/Breach of Fiduciary Duty Defense.** Favorable decision by nonsuit entered in favor of client during second week of trial.
- ***Ellis v. G.W.*** (April 2006) **FCRA Defense.** \$1.5 million claim settled during second week of trial for \$25,000.
- ***Andrews v. Shearer*** (February 2006) **Plaintiff Personal Injury.** Settlement in favor of client plaintiff for \$1,350,000.
- ***Denny v. Latham*** (May/June 2005) **Wrongful Death Defense.** 12-0 jury verdict entered in favor of client defendant after three week jury trial.
- ***Ruiz v. Citrus Grove*** (March 2005) **Plaintiff Personal Injury/Wrongful Death.** Settlement in favor of client plaintiffs in excess of \$1,700,000.
- ***Loduca v. Polyzos, dba QMC*** (October 2004) **Plaintiff Breach of Contract.** Judgment in favor of plaintiff client following bench trial.
- ***Campos v. Wells Fargo Bank*** (August 2004) **Commercial Law Defense.** Judgment entered in favor of client bank after adversarial trial in United States Bankruptcy Court, Eastern District of California.
- ***Hall v. U.S. Express*** (March 2004) **Plaintiff Personal Injury.** Settlement during second week of trial in excess of \$850,000 in favor of client personal injury victim.

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- ***A.N.P.A.C. v. M. & T.*** (Jan/Feb 2004) **Legal Malpractice/Breach of Contract Defense.** Jury verdict entered in favor of law firm clients after three-week jury trial in U.S. District Court.
- ***Wells Fargo Bank v. Tyson*** (Spring 2003) **Plaintiff Commercial Law.** Judgment in favor of client bank in excess of \$350,000; cross-complaint against bank dismissed.
- ***Holesapple v. S. & H.*** (November 2002) **Legal Malpractice Defense.** Action dismissed against attorney clients; settlement in favor of client attorneys on the fee cross-claim in excess of \$480,000.
- ***Kinsey v. Viega*** (March 2002) **Legal Malpractice/Breach of Fiduciary Duty Defense.** Judgment in favor client attorney during trial.
- ***Campbell v. Z.*** (July-November 2001) **Legal Malpractice Defense.** Judgment entered in favor of client attorney after 5-month trial on legal malpractice claim; judgment entered on fee cross-claim in favor of client in excess of \$2,400,000.
- ***Greenwell v. D. A. & Assoc.*** (April & May 2000) **Legal Malpractice Defense.** Judgment for client attorneys after 2-month jury trial on legal malpractice claim.
- ***Wang v. Grodin*** (April 1999) **Legal Malpractice/Malicious Prosecution/Abuse of Process Defense.** Nonsuit granted in favor of client attorney during trial.
- ***Bregman v. S*** (November 1997) **Legal Malpractice Defense.** Dismissal in favor of client attorneys during jury trial
- ***Gunderson v. Valente*** (September 1997) **Legal Malpractice Defense.** Verdict for client attorney following jury trial.
- ***Martinez v. Furr*** (September 1993) **Legal Malpractice Defense.** Verdict for client defendant following jury trial.
- ***Plunkett v. Spalding*** (August 1992) **Medical Malpractice.** Defense verdict reversed on appeal due to judicial error.
- ***U.S. Roofing v. Liquid Asphalt Systems*** (February 1989) **Commercial Law.** 2-week trial on issue of breach of warranty and revocation of compliance.

Published & Unpublished Opinions

- ***McMillian v. RC Associates, Inc.***, 2018 WL 092105 (N.D. Cal. 2018) (TCPA/FDCPA)
- ***Christy v. DRS Inc.***, WL 4008982 (D. Nevada 2018) (FDCPA)

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- ***National Grange v. California State Grange***, 2018 WL 1417115 (9th Cir. 2018) (Trademark)
- ***National Grange v. California Guild***, 2018 WL 3869626 (E.D. Cal. 2018) (Trademark)
- ***Daus v. Howser***, 2018 WL 375388 (3rd Dist. 2018) (Partnership Dispute)
- ***In re Gilman***, 887 F.3d 956 (9th Cir. 2018) (Bankruptcy)
- ***Lee v. Professional Recovery Systems, Inc.***, WL 1008432 (1st Dist. 2018) (Rosenthal FDCPA, FCRA)
- ***National Grange v. California Guild***, 17 Cal.App.5th 1130 (3d Dist. 2017) (Non-profit Corporate Dispute)
- ***Leonard v. Retailer's Credit Association of Grass Valley, Inc.***, 2017 WL 2493147 (3d Dist. 2017) (Affirmance of client-defendant collection agency's special motion to strike and award of attorney fees.)
- ***Blue v. Diversified Adjustment Service***, 2017 WL 3600723 (C.D. Cal 2017) (FDCPA/Rosenthal FDCPA)
- ***Frierson v. SRS***, 2017 WL 2546889 (E.D. Cal 2017) (FDCPA/RFDCPA)
- ***Van Patten v. Vertical Fitness Group***, 847 F.3d 1037 (9th Cir. 2017) (TCPA consent)
- ***Jones v. Calone***, WL 6147753 (3rd Dist. 2017) (Anti-Slapp)
- ***HPROF, LLC v. Bank of America, N.A.***, 2017 WL 1057316 (1st Dist. 2017) (Affirmance in clients favor of denial of banks petition for arbitration.)
- ***Weiner v. Wells Fargo Bank, N.A.***, 2017 WL 4510522 (1st Dist. 2017) (Affirmance of judgment following trial in favor of client bank on issue of application of mailbox rule.)
- ***Goodson v. DRSI***, 2016 WL 5844313 (C.D. Cal. 2016) (TCPA Class action denial and entry of summary judgment in favor of client defendant).
- ***Spanos v. DBBC***, 2016 WL 3583364 (Third Dist. 2016) (dismissal of legal malpractice claim affirmed on appeal in favor of client defendant).
- ***Singh v. CMR***, 2016 WL 5846997 (E.D. Cal. 2016) (dismissal of FCRA and state law claims in favor of client defendant).
- ***Reddin v. Rash Curtis***, (E. D. Cal. 2016) __F. Supp.3d __ (FDCPA)
- ***Meredith v. e-MDs*** (E.D. Cal 2014) 2014 WL 2612112 (Commercial Law)

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- *Falu-Maysomet v. National Enterprise Systems, Inc.* (S.D. Cal. 2014) 2014 WL 1247441 (FDCPA and Rosenthal FDCPA)
- *Van Patten v. Vertical Fitness Group, LLC* (S.D. Cal. 2014) 22 F. Supp3d 1069, 2014 WL 2116602 (TCPA Class Action Defense)
- *Thornbrough v. Western Placer Unified School District* (3rd Dist. 2013) 223 Cal.App.4th 169 (Education – Wrongful Termination Defense)
- *People v. Persolve* (5th Dist. 2013) 218 Cal. App.4th 1267 (Collections, Litigation Privilege)
- *Aslan v. Harrel* (3rd Dist. 2013) 2013 WL 3728392 (Legal Malpractice)
- *Bliese v. Credit Bureau of Ukiah* (N.D. Cal. 2013) 2013 WL 1644952 (FDCPA)
- *Blackhurst v. Ungerman* (3rd Dist. 2013) 2013 WL 795060 (Legal Malpractice)
- *Katzakian v. Collectibles Management Resources* (E.D. Cal. 2013) 2013 WL 57712 (FDCPA)
- *Udo v. Kelkris Associates, Inc.* (S.D. Cal. 2012) 2012 WL 5985663 (FDCPA)
- *Kong v. Kelkris Associates, Inc., dba Credit Bureau Associates* (N.D. Cal. Bkrptcy 2013) 2013 WL 6923063 (Bankruptcy/FDCPA)
- *Koller v. West Bay Acquisitions, LLC* (N.D. Cal. 2012) 2012 WL 1189481 (FDCPA)
- *Udo v. Kelkris Associates, Inc.* (S.D. Cal. 2012) 2012 WL 5985663 (FDCPA)
- *Burling v. Windsor Equity Group, Inc.* (2012 C.D. Cal.) 2012 WL 5330916 (FDCPA)
- *Pham v. Solace Financial, LLC* (N.D. Cal. 2012) 2012 WL 5471160 (FDCPA)
- *Ear v. Empire Collection Authorities, Inc.* (N.D. Cal. 2012) 2012 WL 3249514 (FDCPA)
- *Melendez v. CACH, LLC* (N.D. Cal. 2012) WL 4902687 (FDCPA)
- *Scott v. Federal Bond and Collection Service, Inc.* (N.D. Cal. 2011) 2011 WL 365253 (FDCPA)
- *Baillie v. Account Receivable Management of Fla.* (N.D. Cal. 2011) 2011 WL 566817 (FDCPA)
- *Vasquez v. State Recovery Systems, Inc.* (E.D. Cal. 2011) 2011 WL 6012326 (FDCPA)

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- *Jones v. Rash Curtis & Associates* (N.D. Cal. 2011) 2011 WL 2050195 (FDCPA)
- *Scott v. Federal Bond and Collection Service, Inc.* (N.D. Cal. 2011) 2011 WL 176846 (FDCPA)
- *Ikon Office Solutions Inc. v. Rezente* (E.D. Cal. 2011) 2011 WL 1402882 (FDCPA)
- *Pintos v. Pacific Creditors Association* (N.D. Cal. 2011) 2011 WL 3880411 (FCRA)
- *Hameed v. IHOP Franchising, LLC* (E.D. Cal. 2011) 2011 WL 1233183 (Commercial Franchising)
- *Grant v. Capital Management Services, L.P.* (9th Circuit 2011) 2011 WL 3874877 (TCPA Class Action)
- *Caudell v. Financial Credit Network, Inc.* (E.D. Cal. 2011) 2011 WL 1377643 (FDCPA)
- *Probasco v. IQ Data Intern* (E.D. Cal. 2011) 2011 WL 1807429 (FDCPA)
- *Hameed v. IHOP Franchising, LLC* (E.D. Cal. 2011) Slip Copy, 2011 WL 590905 (Commercial Law)
- *Scott v. Federal Bond and Collection Service, Inc.* (N.D. Cal. 2011) Slip Copy, 2011 WL 176846 (FDCPA)
- *Hameed v. IHOP Franchising, LLC* (E.D. Cal. 2011) Slip Copy, 2011 WL 590905 (Commercial Law)
- *Scott v. Federal Bond and Collection Service, Inc.* (N.D. Cal. 2011) Slip Copy, 2011 WL 176846 (FDCPA)
- *Ikon Office Solutions, Inc. v. Rezente* (E.D. Cal. 2010) Slip Copy, 2010 WL 5129293 (Trade Secret)
- *Nielsen v. Trofholz Technologies, Inc.* (E.D. Cal. 2010) Slip Copy, 2010 WL 5136164 (Discrimination)
- *Olsen v. Harbison* (2010) 191 Cal.App.4th 325 (Lawyer Malpractice)
- *Nielsen v. Trofholz Technologies, Inc.* (E.D. Cal. 2010) — F.Supp.2d —, 2010 WL 4514227 (Discrimination)
- *Hameed v. IHOP Franchising, LLC* (E.D. Cal. 2010) Slip Copy, 2010 WL 4386705 (Commercial Law)

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- ***Walker v. Rash Curtis & Assoc.*** (E.D. Cal. 2010) Slip Copy, 2010 WL 4157128 (FDCPA)
- ***Ikon Office Solutions, Inc. v. Rezente*** (E.D. Cal. 2010) Slip Copy, 2010 WL 3633769 (Trade Secret)
- ***Thornbrough v. Western Placer Unified School Dist.*** (E.D. Cal. 2010) Slip Copy, 2010 WL 3341810 (Discrimination/Labor Law)
- ***Thornbrough v. Western Placer Unified School Dist.*** (E.D. Cal. 2010) Slip Copy, 2010 WL 3069321 (Discrimination/Labor Law)
- ***Kinder v. Allied Interstate, Inc.*** (2010) Not Reported in Cal.Rptr.3d, 2010 WL 2993958 (TCPA)
- ***Rouse v. Law Offices of Rory Clark*** (9th Cir. 2010) 603 F.3d 699 (FDCPA)
- ***Ikon Office Solutions, Inc. v. Rezente*** (E.D. Pa. 2010) 2010 WL 395955 (Trade Secret)
- ***Thornbrough v. Western Placer Unified School Dist.*** (E.D. Cal. 2010) 2010 WL 2179917 (Discrimination/Labor Law)
- ***Sanchez v. Indymac Bank, FSB*** (E.D. Cal. 2010) 2010 WL 314760 (Commercial Law)
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- *In Re Goetz* (Bankruptcy, N.D. Cal. 2007) 2007 WL 3095418 (Commercial Law)
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- *Camacho v. Bridgeport Financial, Inc.* (N.D. Cal. 2007) 2007 WL 196681
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- *Campbell v. Zumbrun and Findley* (3rd Dist. 2002) WL 1999755 (Legal Malpractice)
- *Renick v. Dun & Bradstreet* (9th Cir. 2002) 290 F. 3d 1055 (FDCPA/UCC)
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- *U.S. Roofing v. Credit Alliance Corp.* (1991) 228 Cal. App. 3d 1431 (Commercial Law)

Articles

“The Defense of the Attorney Judgment—Tactical Immunity Doctrine” Amazon.com (February 2013)

“Employee Manuals Protect Employers Educate Employees” *Central Valley Business Journal* (October 2012)

The articles below were initially published by the California Association of Collectors in their monthly trade magazine, *The Collector's Ink*. Most are available for printing/downloading at the Publications section of the firm's website, ellislawgrp.com.

- Debt Collection: Issues with Time-Barred Debt (September 2017)
- Legal Ethics: The Client-Attorney Privilege (June 2017)
- Ethics for All Attorneys (June 2017)
- “Debt Collection: Issues with Time-Barred Debt” (June 2016)
- “The ABCs of the TCPA (2015 Update)” (March 2015)
- “A Brief Overview of Call Recording in California” (February 2013)
- “The Current Status of Excessive Call Harassment” (February 2012)
- “The Two Most Important Cases of 2010” (March 2011)
- “Finding the Silver Lining in *Jerman*” (July 2010)
- “Alright, You’ve Been Sued, Now What Do You Do?” (Reprise) (April 2010)

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- "The Current Status of Furnisher Obligations and Liability Under the FCRA (CCRAA)" (January 2010)
- "The ABC's of the TCPA: Part 1" (June 2009)
- "The ABC's of the TCPA: Part 2" (July 2009)
- "Life After Pintos" (April 2008)
- "The FCRA and You" (October 2003)
- "The Rosenthal FDCPA" (February 2006) (with June Coleman)
- "The FCRA and You" (October 2003)
- "Overview of State Debt Collection Regulations" (April 2003)
- "Alright. You've Been Sued . . . Now What Do You Do?" (December 2002)
- "Collection of Time-Barred Accounts" (August 2002)
- "Medical Collections: The Continuing Controversy of Whether California Welfare and Institutions Code, Section 17401 Prohibits Collection Charging Interest" (June 2002)
- "Essential Components of an Employee Manual" (April 2002, with Barbara Cotter)
- "Answers to Collection Questions from Members of the American Collectors' Association" (January 2002, with Jacob Koper)
- "Promote an Open Door Policy at Work to Discourage Employment-Related Claims" (November 2001, with Barbara Cotter)
- "Is Your Attorney Meaningfully Involved In Your Collection Process?" (June 2001, reprinted in two parts in the ACA's "MAP Bulletin," September/October 2001)
- "An Update on Overshadowing" (March 2001, reprinted in the ACA's "MAP Bulletin" (August 2001)

Other Publications & Articles

- "Practical Legal Ethics in California: Issues and Answers" (National Business Institute, February 1999)
- "10 Ways to Avoid Legal Malpractice" (Sacramento County Bar Magazine, 1994)
- "Practical Legal Ethics in California" (National Business Institute, February 2004)
- "California Law on Legal Malpractice" (1993, 1996 and updated 2002)

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Presentations

- **"The Do's and Don'ts of Collecting Interest"**, 2018 California Association of Collectors Conference and Expo. Discussion of add-on charges prohibited by FDCPA and the Rosenthal FDCPA.
- **"Debt Collection: Issues with Time Barred Debt"**, teleconference September 2017 on behalf of the National Business Institute (NBI) that updated Mr. Ellis' 2016 presentation discussing trends that impact time-barred accounts relative to FDCPA, CFPB, FTC, bankruptcy law, state law and statute of limitations.
- **"Legal Ethics: The Client-Attorney Privilege"**, teleconference June 2017 on behalf of the National Business Institute (NBI) that examines the evidentiary privilege that protects communications between an attorney (or law firm) and the client. It is held by the client and gives rise to a privilege to refuse to disclose confidential communications between the client and his, her or its lawyer.
- **"Ethics for All Attorneys"**, teleconference June 2017 on behalf of the National Business Institute (NBI) that examined the main causes of legal malpractice lawsuits that apply to all lawyers.
- **"Debt Collection: Issues with Time Barred Debt"**, teleconference June 2016 on behalf of the National Business Institute (NBI) that examined trends impacting time-barred accounts relative to FDCPA, CFPB, FTC, bankruptcy law, state law and statute of limitations.
- **"Dos and Don'ts of Collection Letters"** a seminar presented by Mr. Ellis, Andrew M. Steinheimer & Amanda N. Griffith covering the nuts and bolts on how to compose a collection letter that complies with federal and California consumer law. The program was presented October 2016 at the annual conference of the California Association of Collectors.
- **"Paralegal Legal Ethics: Client Communications"** a seminar covering the American Bar Association's "Model Rules of Professional Conduct" and the ethical codes of states that govern the conduct of paralegals. Mr. Ellis delivered this UC Davis Extension presentation, co-sponsored by the SPVA and CAPA, October 2016.
- **"Legal Ethics: Who Is Your Client?"** a teleconference presented June 2015 on behalf of the National Business Institute. [Click here](#) to see outline on NBI website.
- **"Legislative Day"** a March 2015 event sponsored by the California Association of Collectors (CAC). Mr. Ellis and Andrew M. Steinheimer were members of a panel that discussed hot legal topics of the collection industry.
- Two seminars: **"Frivolous Debtor Lawsuits: What are Your Options?"** and **"Shoring Up Your Collection Agreements,"** both presented June 2014 in Suisun City with Andrew M.

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Steinheimer and Brandon L. Reeves on behalf of the California Association of Collectors (CAC).

- **"Call Recording Do's & Don'ts: Best Practices,"** a presentation made with Andrew Steinheimer at ACA International's 74th Annual Conference and Exposition in San Diego in July 2013.
- **"Update on Statutory Causes of Action"** at the 12th annual Legal Malpractice and Risk Management Conference held in Chicago March 6-8, 2013. Mark discussed the growing number of claims being brought against attorneys arising from the Fair Debt Collection Practices Act (FDCPA) and the Telephone Consumer Practices Act (TCPA). Also discussed was the impact on consumer protection expected to be made by the Consumer Financial Protection Board (CFPB).
- **"The Paralegal's Guide to the Legal Ethics of Client Communications,"** a seminar presented Tuesday, Nov. 22, 2011 by Mark E. Ellis via webcast and teleconferencing to a national audience on behalf of the National Business Institute (NBI).
- **"Eliminating Bias & Substance Abuse in the California Legal Profession,"** a teleconference presented by Mark E. Ellis in cooperation with the National Business Institute (NBI) on June 23, 2011. Full slide show available at www.ellislawgrp.com/powerbias.html
- **"Legal Ethics Pertaining to Client Communications"** teleseminar for National Business Institute (NBI) (June 22, 2011) Full slide show at www.ellislawgrp.com/powerlegalethics3.html.
- **"Top 7 Ways to Avoid Agency Litigation"** teleseminar presented by Mark E. Ellis and Michael Klutho of Bassford Remele, P.A., Minneapolis, Minnesota. Presented for the Campus ACA (May 7, 2010)
- **"E-Discovery and LPL: Overcoming the Challenges Associated with the Preservation and Production of Electronically Stored Information (ESI),"** American Conference Institute's 2nd National Forum on LPL/Legal Malpractice (New York, NY, January 2010) www.ellislawgrp.com/powerpoint2.html
- **"Eliminating Bias and Substance Abuse in the California Legal Profession,"** Teleconference and On-Demand Audio, National Business Institute (June 2009)
- **"Statutory Causes of Action - Consumer Protection Statutes,"** 8th Annual Legal Malpractice Risk Management Conference (Chicago, IL, March 2009)
- **"FDCPA Compliance and the California Practitioner"** (Fresno, January 2008, NBI)

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- **"Insurance Lines and Issues,"** California Association of Collectors' 91st Annual Convention Panel Presentation (Santa Rosa, CA, September 2008)
- **"Legal Panel Discussion" California Association of Collectors"** 90th Annual Convention and Expo – Participate on legal panel speaking on various issues relating to current issues in FDCPA and FCRA law. (Monterey, CA October 2007)
- **"Litigating to Win Through Advanced Trial Advocacy"** Seminar panel presentation on, among other things, ethical considerations during trial and effective closing argument. (Sacramento, CA Oct. 2007, NBI Seminars)
- **"Rules and Procedures for Federal Court Success"** Seminar panel presentation with Kevin Culhane and Jeffrey Nevin (Sacramento, CA November 2007, NBI Seminars)
- **"Debt Collections in California under the Federal and California (Rosenthal) Fair Debt Collection Practices Acts."** Seminars to Tenet Health Care (April 26 (St. Louis) and April 27 (Dallas) 2006)
- **"Essential FDCPA Training."** Teleseminar to member agencies of the California Association of Collectors (February 2004)
- **"Anatomy of a Lawsuit."** A panel presentation with Tim Halloran, Andrew Steinheimer and Douglas Muirhead of Gulf Insurance at the California Association of Collectors 86th Annual Convention and Expo (September 2003)
- **"Essential FDCPA Training."** Tele-seminar to member agencies of the California Association of Collectors (April 2003)
- **"Malpractice and the Consumer Case; Representation of the Debtor -- Potential Malpractice Pitfalls."** A Panel Presentation with John Tosney and Jack Haycock to the Northern California Consumer Bankruptcy Conference (February 2003)
- **"Current Trends in California FDCPA Litigation."** Presented to the California Association of Collectors Legal & Legislative Conference (March 2002)

Personal

Mr. Ellis was born and raised in Fredericksburg, Virginia where he developed an interest in the Civil War that continues to this day. He has two sons.

— End —

Mark E. Ellis